REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1, 8-17, 20 and 24-42. No claims have been amended, canceled or added. Hence, after entry of this Amendment, claims 1, 8-17, 20 and 24-42 stand pending for examination.

Claims 1, 8-17, 20 and 24-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,233,448 to Alperovich et al. ("Alperovich") in view of the cited portions of U.S. Patent No. 6,049,711 to Ben-Yehezkel et al. ("Ben-Yehezkel").

Rejections Under 35 U.S.C. § 103(a)

The Applicants respectfully transverse the rejection of all claims under 35 U.S.C. § 103(a) because the cited references do not teach or suggest all of the claim elements and the cited references could not be successfully combined to produce the Applicants' claimed invention.

The Office Action correctly states that Alperovich does not teach or suggest "wherein the specification defines a geographic region having a predetermined radius from a current location of the subscriber that changes dynamically as the current location changes" as recited in claims 1 and 17. But Ben-Yahezkel also does not teach or suggest this. Ben-Yahezkel appears to teach providing information services to requesting users (Abstract). In one example, a user may request traffic reports or points of interest for the area around the vehicle, which may be a specific radius and direction (col. 4, ll. 10-35). This does not teach or suggest "wherein the specification defines a geographic region having a predetermined radius from a current location of the subscriber that changes dynamically as the current location changes."

Ben-Yahezkel appears to be a request-response system: it provides information in response to user requests. It does not process information requests according to user-defined rules. A dynamically-changing radius, therefore, has no applicability to the Ben-Yahezkel

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system. When a user requests information, the information is provided based on the current location of the user and the user's direction of travel. The information is provided once, and there exists no ongoing need to evaluate the user's location dynamically. Hence, defining a dynamically-changing radius has no utility in the Ben-Yahezkel system, and Ben-Yahezkel, in fact, does not teach or suggest it. Claims 1 and 17 are, therefore, believed to be allowable, at least for this reason. The remaining claims depend from claims 1 or 17 and are believed to be allowable, at least for the reasons stated above.

Moreover, Ben-Yehezkel is not analogous art to the present invention and, therefore, cannot be applied in a rejection under 35 U.S.C. § 103. The Examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). MPEP 2141.01(a). Here, Ben-Yehezkel relates to providing location-based information services. Ben-Yehezkel fails to teach anything having to do with call processing. Accordingly, Ben-Yehezkel is neither "analogous" to the Applicants' invention nor to Alperovich with which it is combined to reject the claims. Hence, the obviousness rejection is improper for this reason alone. All pending claims are, therefore, believed to be allowable for this additional reason.

Further, the combination of references would not produce a working embodiment of the Applicants' claimed invention. Providing information services is different from processing telephone calls. The Ben-Yahezkel system is an on-demand system and does not process information requests based on stored rules. According to the Applicants' claimed invention, incoming and outgoing calls are processed based on the rules without the necessity of action on the part of the user. This is not the case with the Ben-Yahezkel system. Combining the unrelated arts would require modification of the underlying technology. The Office Action has not provided any insight into how this would be accomplished. Hence, the Office Action has

not shown that a reasonable expectation of success exists for the combination, and all pending claims are believed to be allowable for this additional reason.

Conclusion

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: September 19, 2007   /Irvin E. Branch/
                                                          Irvin E. Branch
                                                          Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
IEB/jln
61127241 v1